

# **FLOODPLAIN MANAGEMENT REGULATIONS**

EFFECTIVE March 23, 1998

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WESTON, CONNECTICUT  
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I. PURPOSE

These regulations are designed to promote the public health, safety and welfare by minimizing public and private losses due to flood conditions in areas of Weston known as special flood hazard zones. Building in special flood hazard zones will be controlled to gain greater protection from flooding, limit damage to private property, and to keep Federal Flood Insurance available in Weston at a reasonable cost.

The Weston Planning and Zoning Commission shall administer Weston's Flood Plain Management Regulations and shall issue Flood Zone Development Permits after insuring that all appropriate regulations have been met, and that all prior approvals from other government agencies have been obtained.

II. THE FLOOD ZONE

The Flood Zone includes all special flood hazard areas designated as Zones A1 to A30, AE, or unnumbered A Zones on the Weston Flood Insurance Rate Maps (FIRM), and the "Flood Insurance Study" dated December 19, 1997, and any revision thereto. Both series of maps are on file with the Town of Weston. These maps as well as the accompanying Flood Insurance Study for the Town of Weston are incorporated herein by reference.

In those areas where base flood elevations and floodway data have to been clearly established by the Federal Study, the Planning and Zoning Commission shall obtain, review and reasonably utilize any data available from a federal, state or other source as the basis for applying the standards contained in Section IV. When utilizing data other than that provided by the Federal Emergency Management Agency, the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at anyone point.

### III. PERMIT PROCEDURE

A. PRELIMINARY DISCUSSION: To provide helpful guidelines to applicants, informal discussion of flood zone development plans between the applicant and the Local Flood Plain Management Administrator is encouraged.

B. PERMIT: A Flood Zone Development Permit shall be obtained before any site preparation or development begins within any special flood hazard zone. A Flood Zone Development Permit application shall be approved prior to the issuance of a driveway, building, fill or zoning permit. Application forms are available at the office of the Weston Planning and Zoning Commission. Flood Zone Development Permit applications will be approved or denied after public hearing by the Planning and Zoning Commission, as duly appointed Local Flood Plain Management Administrator.

C. FEE: A fee set by the Board of Selectmen to cover advertising and miscellaneous costs of the Planning and Zoning Commission shall be collected with each application for a Flood Zone Development Permit.

D. HEARINGS: The rules for public hearings on Flood Zone Development Permit applications shall be the same as those required for Planning and Zoning Commission subdivision hearings.

E. APPLICATION: A Flood Zone Development Permit application shall be completed, and shall include:

1. Envelopes: A list of the correct names and addresses of all owners of record of adjacent properties and properties across the road(s) with stamped addressed envelopes to be sent to them.

2. Project Description: A short, clear and complete written description of the proposed activity shall be provided.

3. Map: An accurate map showing the size, location and topographical (floodway and 100 year flood plain lines) characteristics of the site. Adjacent properties which may be affected by the proposed activity should also be shown. The map shall also show the location of existing and proposed structures and drainage and sanitary facilities. The map shall be certified as correct by a registered professional engineer or a land surveyor licensed by the State of Connecticut.

4. Profile: The applicant shall provide a profile of the site showing flood plain and floodway elevations as related to mean sea level. The elevation of the lowest floor of all structures and property access in relation to mean sea level shall be shown. The profile shall be certified as correct by a registered professional engineer.

5. Construction Design: A drawing of all proposed or modified structures or facilities shall be provided. The drawing shall be certified as correct by a registered professional engineer.

6. Watercourse Alteration Detail: The applicant shall provide the details of any proposed alteration of a watercourse in the special flood hazard zone, and measures to be taken to insure that the previous flood-carrying capacity of the watercourse will be maintained.

F. Certifications: Certification by a registered professional engineer shall be provided as required by the Local Flood Plain Management Administrator indicating that floodproofing criteria and all other provisions of these regulations have been met.

G. Further Information: The Local Flood Plain Management Administrator may require the applicant to provide further maps, drawings, surveys and like information to insure compliance with these regulations.

#### IV. DEVELOPMENT REGULATIONS

The following regulations apply within Zones A1 through A30 AE and within unnumbered A Zones.

##### A. CONSTRUCTION IN SPECIAL FLOOD HAZARD ZONES:

New construction or substantial improvement of any residential or non-residential structure shall have the lowest floor elevated one foot or more above the base flood elevation.

##### B. CUMULATIVE EFFECT AND FLOODWAY STANDARDS

1. In A Zones where base flood elevations have been determined but before a floodway is designated no new construction, substantial improvements or other development will be permitted which would increase base flood elevations more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

2. Within the floodway, as designated on the Flood Boundary and Floodway Map or as adopted by the Town of Weston, all encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the in-kind reconstruction would not result in any (0.00) increase in flood levels within the community during the occurrence of the base flood discharge is provided by the applicant demonstrating clearly that such encroachment shall not result in any increase in flood levels or hazards during the occurrence of the 100 year flood.

C. HAZARD AVOIDANCE REQUIREMENTS: Development activities in the special flood hazard zones shall not result in or increase any of the following hazards:

1. Danger to life and property due to increased flood heights or velocities.
2. Danger that materials may be swept downstream or onto other property to the injury of others, or to the damage of other property.
3. Creation of a hazard for access to the property in times of flood for ordinary and emergency vehicles.
4. Negative impact on an aquifer, water supply or sanitary supply system on the subject or adjoining properties.

D. BUILDING STANDARDS: Within Zones A1 through A30, AE and in unnumbered A Zones, the following standards must be met prior to issuing permits for any proposed construction or development.

1. Anchoring: All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. Construction Materials & Methods: All new construction or substantial improvements shall be constructed with materials resistant to flood damage and shall use methods and practices that minimize flooding and flood damage.

3. Utilities: All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood water into the systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into floodwaters. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. Areas below the Lowest Floor: Underneath the lowest floor of all new construction and substantial improvements fully enclosed areas other than basements as described herein shall be designed to preclude finished living space. Such designs shall allow automatic entry and exit of flood waters to equalize hydrostatic flood forces on exterior walls. Electrical plumbing and other utility connections are prohibited below the base flood elevation.' Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

The bottom of all openings shall be no higher than one foot above grade; and

Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions. Other coverings must be designed and certified by an engineer or approved by the Planning and Zoning Commission.

E. RECONSTRUCTION:

A structure which meets all the requirements contained in this Section IV which is located in a floodway or in the floodway fringe may be rebuilt in kind, providing a registered professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the in-kind reconstruction would not result in any (0.00) increase in flood levels within the community during the occurrence of the base flood discharge and certifies that no increased impact on flooding and no increase in flood hazards will result from the in-kind reconstruction. Structures which do not meet the requirements of this Section IV, may not be rebuilt in kind, but must be made to conform with all the requirements of this regulation.

F. ALTERATION OF WATERCOURSE:

The applicant shall demonstrate that the flood carrying capacity of the modified watercourse shall not be diminished. The applicant shall notify and gain appropriate approval from adjacent communities, the Connecticut Department of Environmental Protection, Water Resources Unit, the Army Corps of Engineers and the Federal Emergency Management Agency prior to approval of any alteration or relocation of any such watercourse.

G. HAZARDOUS MATERIALS:

Toxic chemicals and hazardous materials, as defined in any federal or state of Connecticut Statute rule or regulation which are administered by the Environmental Protection Agency or Department of Environmental Protection shall not be stored in a flood hazard zone below the base flood elevation.

H. MANUFACTURED HOMES:

Manufactured homes (as defined in Section VI) are prohibited from being placed in a flood zone throughout the Town of Weston.

V. ADMINISTRATION

A. AUTHORITY AND RESPONSIBILITY: The local Flood Plain Management Administrator is authorized to review and approve permit applications to insure that sites are reasonably protected from flooding, and to require that all other State or Federal permits are obtained in all cases, the local commission shall advise the applicant that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the flood zone development permit.

B. FILES: The local Flood Plain Management Administrator shall obtain and maintain on file all data provided with permit applications and as-built lowest floor elevations for all new construction or substantially improved structures in the special flood hazard zone. These files shall be available for public inspection and shall include base flood and elevations data required by these regulations.

C. APPEALS AND VARIANCES: Appeals from decisions of the local Flood Plain Management Administrator, or its agent, and requests for variances from the Flood Plain Management Regulations shall be heard and decided by the Zoning Board of Appeals of the Town of Weston. In reviewing variance applications or appeals, the Zoning Board of Appeals shall examine the applicant's hardships based upon the following criteria:

1. a showing of good and sufficient cause.
2. a determination that failure to grant the variance would result in exceptional hardship to the applicant.
3. a determination that the granting of a variance will not result in increased flood heights, additional threats to the public safety, extraordinary public expense, nuisances, or conflict with existing local regulations or ordinances.
4. a determination that the variance is the minimum necessary to afford relief.
5. a determination that the hardship has not been self created.

Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 TO \$100 of insurance coverage.

The local flood plain management administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

D. FIELD INSPECTIONS: The local Flood Plain Management Administrator shall make provision or field inspections in cases where it is necessary to decide a conflict between flood maps and conditions in the field. Such decisions may be made without a public hearing.

E. AMENDMENTS: The local flood Plain Management Administrator may amend these regulations after public hearing and the publishing of legal notices as prescribed by statute and approval by the local Flood Plain Management Administrator.

F. ADJACENT MUNICIPALITIES: Where development in a flood hazard zone may impact on adjacent municipality, the local Flood Plain Management Administrator shall notify the local Flood Plain Management Administrator of the adjacent municipality and request comments on the Flood Zone Development Permit application.

## VI. DEFINITIONS

Base Flood: The flood (100 year storm) which has a one percent or greater change of occurring in any given year.

Basement: That portion of a building having its floor subgrade, (below ground level) on all sides

Development: Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials, located within the special flood hazard zone.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normal dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters or mudflow from any source.

Flood Boundary and Floodways Maps: Maps drawn up by the Federal Insurance Administration and the Town of Weston to delineate the location of the floodways and other applicable flood boundaries including the 100 year and 500 year limits.

Flood Insurance Rate Maps (FIRM): Official maps with the special flood hazard zones and the risk premium zones for Weston, as delineated by the Federal Insurance Administration and the Town of Weston.

Flood Plain: A general term covering all areas subject to flooding, including the floodway, the 100 year and 500 year flood zones.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot

Floodway Fringe: The area in the Special Flood Hazard Zone that does not include the floodway.

Local Administrator: The Weston Planning and Zoning Commission is the local administrator of Weston's Flood Plain Management Regulations.

Lowest Floor: The lowest floor is the floor of the lowest enclosed area including the basement. An unfinished enclosure or enclosure resistant to flood damage, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, such areas, however, must be designed in accordance with Section IV.D.4 of these regulations.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, including recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer.

Mean Sea Level: Mean Sea Level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on Weston's Flood Insurance rate Map is referenced.

New Construction: New construction requiring a Town of Weston building, fill, or other permit or type of development as defined herein undertaken since December 4, 1978.

Profile: Drawing showing vertical sections of the flood hazard zone including base flood elevations measured from mean sea level.

Special Flood Hazard Zone (a/k/a Area of Special Flood Hazard): Flood plain areas within the 100 year flood boundary as defined on the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, subject to one percent or greater change of flooding in any given year.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within six months of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the state of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways.

Structure: A walled and roofed building, including gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Improvement: Means any reconstruction, rehabilitation, addition, or other improvement of a structure (taking place within a ten year period), the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions or, (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantial Damage: Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.